

In the name of God, the Most Gracious, the Most Merciful

**Republic of Iraq
Council of State
Supreme Administrative Court**

**Notification No.: 8/2018
File No.: 93/Administrative Court/Cassation/2016**

The Council of State's Supreme Administrative Court was formed on 30 Rabi Al-Thani 1439 AH corresponding to 18/01/2018 AD and was presided by Consultant Samia Kazim Mohamed with membership of Dr. Abdullatif Nayef, Vice Chairman of the Opinion and Legislation Affairs, Consultants Ebtissam Yousuf Mohsen and Ahlam Ibrahim, Dr. Mohamed Madi, Dr. Jafar Khazal Al Moemen, Hanan Mounzer, Dr. Ali Fawzi, authorized to adjudicate in the name of the people, and issued the following order:

The Cassation-Appellant : Authorized Director of Korek Telecom Ltd., in addition to his position.

The Cassation-Appellee: Head of the Executive Body of the Communications and Media Commission, in addition to his position.

The Plaintiff (Cassation-Appellant), in addition to his position, filed the case before the Administrative Department Court claiming that the Defendant (Cassation-Appellee), in addition to his position, issued Order No. (5332) on 02/07/2014 in which he revoked the partnership between the Plaintiff, in addition to his position, and the foreign French entity France Telecom. The Plaintiff objected to such order before the Council of Appeal and his objection was approved. Accordingly, the Plaintiff summoned the Defendant for pleading and for issuance of a judgment to revoke the said order. Following the public in-presence pleading, the Administrative Department Court issued its order on 25/01/2016, under File No. (1722/C/2014) to dismiss the case for lack of jurisdiction. The Plaintiff was not satisfied with the said order, so he filed a cassation-appeal before the Council of State's Supreme Administrative Court by virtue of a statement of cassation-appeal dated 21/02/2016 requesting the dismissal of the judgment for the grounds contained therein.

The Order

Upon review and deliberation by the Supreme Administrative Court, the cassation-appeal was filed within the legal period and is accordingly accepted in form. Upon further review of the judgment subject of the Cassation-Appeal, the court finds it to be valid and consistent with the law for the grounds contained therein. As such, the court orders upholding the judgment subject of the Cassation-Appeal, the dismissal of the statement of cassation-appeal and further orders the Cassation-Appellant to pay the cassation-appeal fees. The order was issued by the majority on 30 Rabi Al-Thani 1439 AH corresponding to 18/01/2018 AD.

**President of the Supreme Administrative Court
(Stamped)**

Mohamed 19/02/2018